Electronic Assassinations Newsletter

Issue #1 "Case Closed or Posner Exposed?"

THE POSNER REPORT: A Study In Propaganda: One Hundred Errors in Gerald Posner's *Case Closed: Lee Harvey Oswald and the Assassination of JFK*

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Gerald Posner's book *Case Closed* received almost universal praisc in the media when it was released just before the thirtieth anniversary of the assassination of John F. Kennedy. He appeared on many television and radio programs promoting his book and the lone assassin theory. *The Case Closed* dust jacket contains several famous authors hailing it as if it was, at long last, the final solution to the crime of the century. According to these authors, *Case Closed* is, "a long-awaited, much needed antidote to the conspiracy theorists", (1) "an account of the Kennedy assassination devoid of speculation", (2) "a brilliant and meticulous analysis", (3) "a model of historical research" (4) and "a deliberate, detailed, thoroughly documented, somctimes brutal, always conclusive destruction of one Kennedy assassination conspiracy theory after another." (5)

Despite this praise, I believe it can be conclusively dcmonstrated that *Case Closed* is not what these seemingly impressive pronouncements proclaim it to be. Did these enthusiastic supporters actually read the book? Perhaps they did. Did they check the sources for his information? If they did, it is unlikely they would have endorsed a book that presents such a distorted view of reality. The uncritical acceptance of his work by the media appears disgraceful, but in many cases they were probably just victims of Posner's deception. The arguments in *Case Closed* do seem convincing to those not intimately familiar with the vast body of published information and evidence on the assassination. The few writers who tried to call attention to Mr. Posner's inaccuracies went mostly unheard due to the small number of persons that subscribe to the obscure publications in which they appeared.

Many of these Posner-related articles were collected and permission was obtained from the authors to reprint them. These articles are now available on the Internet as the first issuc of the *Electronic Assassinations Newsletter* or *EAN*. In the newsletter you will see articles provided by Professor Peter Dale Scott, Dr. Gary Aguilar, Martin Shackelford, Professor Jerry Rose and others. Access to this newsletter is free to anyone who visits the Web site at http://home.cynet.net/jfk/. A large amount of the raw information contained in this newsletter formed the basis of this article. I also carefully read Mr. Posner's book, and Harold Weisberg's book-length answer to *Case Closed* entitled *Case Open*. Many of Posner's references in the volumes of the Warren Commission, the volumes of the House Select Committee on Assassinations and other books were checked and double-checked.

The importance in challenging Posner, in my opinion, has long-term benefits. One benefit is that, in the creation of this list, I believe that a convincing and well documented record is established that demonstrates beyond a shadow of a doubt that the case is not "closed." Secondly, this effort should serve as a caution that all future work by this author must be viewed with suspicion. This analysis (or a shorter version of it) could be published in a periodical that concerns itself with the question of journalistic integrity. It would be interesting to see if "media watchdogs" show interest in Gerald Posner.

There is also the fact that Vincent Bugliosi (who won a guilty verdict in a televisecd mock

trial against Lee Harvey Oswald in 1986) is coming out with a lone assassin-oriented book. Bugliosi has gone on the record about Posner in a recent interview in the April 1997 issue of *Playboy Magazine*. Bugliosi stated that he is aware of Posner's tendency to avoid or deceive when confronted by something that doesn't fit his theory. He seems to be suggesting that he's about to take the lone-assassin theory to a new level. I hope the kind of scrutiny found in this article can be applied to Bugliosi's book at an early time. If his intent is to publish an even more sophisticated misrepresentation, it should be pointed out as he is in the process of promoting the book. If he's honest about his theory then it will be interesting to see how he responds to criticism. Mr. Posner has not been very cooperative when it comes to addressing the problems with his questionable assertions concerning the case.

The assassination of John F. Kennedy in 1963, perhaps more than any other single event, defines the time at which Americans began to seriously doubt the reliability of what the government tells us. From that point on, the public gradually lost trust in government, our institutions and our elected officials. This has been an ongoing public relations problem for the government and its agencies, in light of other assassinations, revelations of spying on American citizens and the various political scandals in the years since 1963.

In a recent *Time* magazine we see an article by Posner about the Oklahoma City bombing case. (6) It is ironic that, in this article he seems to be arguing the case that there are one or more conspirators that were involved in the bombing that are still on the loose. At the end of the article we see that Gerald Posner is now working on a book about the Martin Luther King assassination. The King family recently came out in support of James Earl Ray's innocence and are advocating a trial for Ray to settle the question of conspiracy. Can we expect Posner to be truthful, to accurately state the facts of the case and to act with journalistic integrity in his evaluation of this explosive issue?

The mistakes are listed in order of appearance in the book. I will cite the page number of *Case Closed* that it appears on, explain the error and give references for any who have interest in checking the actual sources. These one hundred errors were selected from a larger list. Errors that appear more than once are treated as one item. I offer a challenge to Posner and his apologists to refute the examples that I present and explain how these all could be accidental or innocent errors.

Harold Weisberg pointed out something interesting in his book-length response to Posner's work entitled *Case Open*. At the end of *Case Closed*, Posner acknowledges help from Peter Earnest (who is listed as "the chief of the CIA's Office of Public and Agency Information"). Mr. Earnest was described by Posner as being "very generous in his assistance." (7) Harold noticed the fact that Posner does not credit a single reference in the end notes (out of over 2200) to Mr. Earnest or the CIA. (8) He does cite confidential intelligence sources a couple of times in his end notes. (9) Is keeping the identity of these people secret done because they are active intelligence agents (and must remain anonymous for legitimate security reasons) or is it to prevent any challenge to the truthfulness of the information?

Posner engages in citing non-existent testimony, refers to testimony that actually shows the reverse of what is implied, embraces discredited witnesses, combines witness testimony into composites to misrepresent the meaning and violates his own stated principle that "Testimony closer to the event must be given greater weight than changes and additions made years later." (10) At the end of each item, I will indicate whether the error falls on the side of strengthening the argument for the lone assassin theory (**L**), falls on the side of likely conspiracy (**C**) or neither (**N**). At the end of item number one hundred I will exclude those items that have no bearing on either conclusion and do a simple statistical analysis that compares the percentage of lone assassin errors versus mistakes that would indicate conspiratorial possibilities.

Some of the misrepresentations are so obvious (after checking his cited sources) that it appears likely that he had to know that much of what he was saying was wrong. In his

relentless efforts to discredit those who feel Oswald was not a lone assassin, Posner claims that an increasing amount of published work is a "dangerous mixture of good information with a liberal dose of falsehoods." (11) This statement was intended as an attack on the Warren Commission critics but there are writings on both sides of the case that fit this description. One of them is the book *Case Closed.*

(1) *Case Closed: Lee Harvey Oswald and the Assassination of JFK,* NY, Random House, 1993, David Wise on inside front cover dust jacket.
(2) *Case Closed,* Frederic Dannen on inside back cover dust jacket.
(3) *Case Closed,* William Styron on back cover.
(4) *Case Closed,* Steven Ambrose on back cover.
(5) *Case Closed,* Tom Wicker on back cover.
(6) Gerald Posner, "The Search for John Doe #2," *Time,* April 28, 1997, p. 42-3.
(7) *Case Closed,* p. 502.
(8) Harold Weisberg, *Case Open: The Omissions, Distortions and Falsifications of Case Closed,* NY, Carroll and Graf, 1994, p. 20.
(9) *Case Closed,* p. 511, note 24 and p. 514, note 73.
(10) *Case Closed,* p. 235.
(11) *Case Closed,* pp. 468-9.

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1) Page 4. The author cites Dallas Police Detective Bob Carroll, who participated in the arrest of Lee Harvey Oswald at the Texas Theater, as a source for Oswald "smirking and hollering, 'I protest this police brutality.'" When we check the actual testimony of Bob Carroll to the Warren Commission, there is a similar quote but no mention of any Oswald facial expression. (12) The implication of this invented grin is that a fanatical political assassin is proud of his deed and must be smirking in smug satisfaction because of his accomplishment. (13) **(L)**

(12) WC Vol. 7, p. 21.
(13) Jerry Rose, "The Deadly Smirk and Other Inventions," *The FourthDecade,* November, 1993.

2) Page 4. In the same paragraph Posner also cites Carroll as a source for the crowd yelling, "Let us have him. We'll kill him! We want him!" What Detective Carroll told Warren Commission staff attorney Ball was two different possibilities as to what the crowd was yelling. He shows he wasn't sure by saying, "several people were hollering, you know - 'kill him,' or 'let us have him and we'll kill him.' " (14) While the idea is similar, Posner is rewriting what Carroll thought they said and he just throws in, "We want him!" for added dramatic effect. Didn't Frederic Dannen (quoted on Posner's dust jacket) say that *Case Closed* was "devoid of speculation." Cutting and pasting testimony to exaggerate the hostility of the crowd is either sneaky or sloppy, but it doesn't really enhance the lone assassin argument. **(N)**

(14) WC Vol. 7, p. 21.

3) Page 5. Posner uses Dallas Police Homicide and Robbery Detective Gus Rose as a source for another of Posner's many smirk references. He gives no footnote for this particular smirk. (15) When you read through all of Rose's testimony to the Warren Commission you will again see that the person to whom Posner credits this information makes no mention of any "smirk." (16) **(L)**

(15) Jerry Rose, "The Deadly Smirk and Other Inventions," *The Fourth Decade,* November, 1993.

(16) WC Vol. 7, pp. 227-32.

4) Page 5. Posner is at it again with his habit of constructing dialogue. He states that when Detective Rose asks Oswald if his name was Oswald or Hidell, his alias, the response (after Oswald's "smirk") was, "You figure it out." The actual quote from Rose's testimony shows that he recalled Oswald saying, "You find out." (17) In fact Rose quotes Oswald twice on the same page as saying, "You find out." Well, maybe Posner wants us to think he was telling them to speculate about who he really is rather than to actually find the answer. After checking the reference, it's a matter of judgment whether Posner is being deliberately deceptive or not (to further the lone assassin case) in this re-writing of Rose's testimony. **(N)**

(17) WC Vol. 7, p. 228.

5) Page 12. The author gives us some proof of Oswald's psychological potential to become an assassin by quoting from a discredited witness by the name of Renatus Hartogs. Hartogs did a psychological evaluation of Oswald when, as a child, Oswald was caught skipping school. Hartogs told the Warren Commission that Oswald had "definite traits of dangerousness." (18) In fact Warren Commission attorney Wesley Liebeler challenged him on this point and revealed that Hartogs had said no such thing in his report in 1953. (19) Hartogs then retracts this statement and Liebeler calls for the addition of the actual text of Hartogs' 1953 report to be added to the end of the record of his April 16, 1964 deposition. **(L)**

(18) WC Vol. 8, p. 217.
(19) Gary Aguilar, "Letter to the Editor of the *Federal Bar News and Journal*," *Federal Bar News and Journal*, 1994.
James R. Folliard, "Gerald Posner Closes the Case,"*The Fourth Decade*, November, 1993.
Peter Dale Scott, "A Review of Gerald Posner,*Case Closed: Lee HarveyOswald and the Assassination of JFK, Deep Politics II: Essays on Oswald*, Skokie, Illinois, Green Archives Publications, 1995.

6) Page 13n. Mr. Posner uses false background information to attack the credibility of the late, highly respected author, Sylvia Meagher, and to rehabilitate the discredited witness, Dr. Renatus Hartogs. Sylvia Meagher concluded that there was no reason to find Oswald mentally unsound. (20) Posner cites Hartogs and the reports of two Soviet psychiatrists to refute her. (21) We already know about Hartogs' unreliability from the previous item. One of the reports concluded that Oswald was, "not dangerous to other people." (22) The other report describes Oswald's attitude as being "completely normal" (23) and finds that "no psychotic symptoms were noted." (24) This is an example of Posner citing sources that show the exact opposite of what he claims they show. (25) **(L)**

(20) Sylvia Meagher, *Accessories after the Fact: The Warren Commission,The Authorities and the Truth*, NY, Vintage Books, 1967, 1976, p. 244.
(21) James R. Folliard, "Gerald Posner Closes the Case,"*The FourthDecade*, November, 1993.
(22) WC Vol. 18, p. 464.
(23) WC Vol. 18, p. 468.
(24) WC Vol. 18, p. 473.
(25) Peter Dale Scott, "A Review of Gerald Posner, *Case Closed: Lee Harvey Oswald and the Assassination of JFK*," *Deep Politics II:Essays on Oswald*, Skokie,Illinois, Green Archives Publications, 1995.

7) Page 51. The author quotes from his interview of a KGB agent who defected in 1964 by the name of Yuriy Nosenko. Nosenko told him that the KGB ordered mental evaluations of Oswald. According to Nosenko (as reported by Posner) the psychiatrists determined Oswald was mentally unstable. Maybe both Posner and Nosenko are both unaware that the Soviet reports are provided (see previous item) in Warren Commission volume 18. They flatly contradict this false claim. Nosenko should also be considered a discredited witness. (26) The House Select Committee on Assassinations reported that Nosenko presented "significant inconsistencies" in his statements given to the FBI, the CIA and the Select Committee itself. (27) **(L)**

(26) Peter Dale Scott, "A Review of Gerald Posner, *Case Closed: LeeHarvey Oswald and the Assassination of JFK,*" *Deep Politics II: Essays on Oswald*, Skokie, Illinois, Green Archives Publications, 1995.
(27) HSCA Report, p. 102.

8) Page 51n. Lee Harvey Oswald had a twelve page diary that describes his time in the Soviet Union. Posner takes Robert Groden to task for calling this "historic diary" a fake. Posner ducks the issue by saying the handwriting was determined by experts hired by the Warren Commission and the House Select Committee on Assassinations to be Oswald's. (28) What he doesn't tell you is Groden agrees with that assessment and points out that the House Select Committee expert reported that it appeared that it may have been written in one or two sittings. (29) Groden was actually saying that he thought it was faked by Oswald after the events described took place. (30) **(L)**

(28) HSCA Vol. 12, p. 236.
(29) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *TheInvestigator*, August-September, 1993.
(30) Robert J. Groden and Harrison Livingstone, *High Treason:The Assassination of President John F. Kennedy and the New Evidence forConspiracy*, Boothwyn, PA, Conservatory Press, 1989, p. 103.

9) Page 55. Posner points out the often-repeated mistake that Oswald's wife had an uncle in the KGB. Posner credits Nosenko for exposing this and correctly describing the uncle, Ilya Prusakov, as a member of the MVD. (31) Nosenko then reportedly describes being a Colonel in the MVD as being "like a local policeman." It is true that the MVD had some mundane duties such as transferring and guarding prisoners, but they did perform some domestic spying functions such as counterintelligence. MVD stands for Ministry of Internal Affairs. They were national internal security police. Marina's Uncle might more accurately be compared with an FBI agent than a local "policeman." (32) **(L)**

(31) WC Vol. 1, p. 89.
(32) Sanche de Gramont, *The Secret War*, NY, Putnam, 1962, pp. 42, 148.

10) Page 86n. Posner claims that the CIA has "provided sworn testimony" that there was no relationship between Oswald's friend George De Mohrenschildt and the CIA. This is to supposedly debunk the idea that De Mohrenschildt was Oswald's US intelligence handler. (33) Dallas CIA official J. Walton Moore (who was a frequent guest at the De Mohrenschildt home) claimed Oswald was "perfectly all right" when asked by George if it was safe to associate with the Marxist former defector. (34) CIA Domestic Contacts Division agent Moore testified to the House Select Committee on Assassinations that, from

1957 on, he met with De Mohrenschildt for "debriefing purposes." (35) (L)

(33) Jim DiEugenio, "Posner in New Orleans: Gerry in Wonderland," *Dateline Dallas*, November 22, 1993.
(34) HSCA Vol. 12, p. 54.
(35) HSCA Report, p. 217.

11) Pages 88, 95, 100, and 592. Posner seems to have a great deal of trouble getting names right. We'll see several more examples of this later. On four separate pages Posner misspells Declan Ford as Delcan Ford. This is just sloppiness and has no bearing on the lone assassin theory but, it's the kind of error that you don't normally see in a "scholarly work" by a major publisher. (36) (N)

(36) Martin Shackelford, *"Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.

12) Page 92n. The author of *Case Closed* uses Oswald's possession of a controversial Department of Defense Uniformed Services Privilege Card (DD 1173) as being evidence that Oswald "had no relation to any US intelligence agency" because it was "routinely issued to reservists through most of 1959." Posner gives no source for this questionable explanation. As has been pointed out by Mary La Fontaine, (37) with the assistance of Paul Hoch and Mary Ferrell, this particular type of card was also in the possession of the U2 pilot, Gary Powers when he was shot down over the Soviet Union on a spying mission on May 1, 1960. (38) Posner also does not tell his readers that Powers was a serviceman on loan to the Central Intelligence Agency from the United States Air Force. (39) When the FBI turned the card (that was in Oswald's possession when arrested) over to the National Archives in 1966 it was "nearly obliterated" by "extensive chemical testing." This is not a nutty "conspiracy buff " making the evaluation of the card's destruction. It came from Sue McDonough of the Civil Reference branch of the National Archives. (40) (L)

(37) Ray and Mary La Fontaine, *Oswald Talked: New Evidence in the JFK Assassination*, Gretna, LA, Pelican, 1996, pp. 404-6.
(38) The Trial of the U2, (Soviet Government English language publication), Chicago, IL, Translation World Publishers, 1960, page 13 of photo section.
Ray and Mary La Fontaine, *Oswald Talked: New Evidence in the JFK Assassination*,Gretna, LA, Pelican, 1996, pp. 88-9.
(39) Gary Francis Powers, *Operation Overflight: The U2 Spy Pilot Tells His Story for the First Time*, NY, Holt, Rinehart and Winston, 1970, pp. 3-9.
(40) Ray and Mary La Fontaine, *Oswald Talked: New Evidence in the JFK Assassination*, Gretna, LA, Pelican, 1996, pp. 78-9.

13) Page 105. Posner quotes Marina Oswald's testimony to suggest that Oswald owned a "rifle" while living as a defector in the Soviet Union. Posner fails to volunteer the information that, after this claim, Commission head council J. Lee Rankin immediately established that Marina was unable to tell a rifle from a shotgun. (41) Warren Commission attorney Norman Redlich later described Marina as having "repeatedly lied" about issues of "vital concern." (42) Harold Weisberg points out that rifles were not permitted to be owned by a private individual in the Soviet Union and, if anything, it had to be a shotgun. In fact Posner's discredited witness, Yuriy Nosenko, went on record to the FBI that Oswald was such a poor shot that his hunting associates gave him some game to take home when he was unable to hit any animals with his limited marksmanship skills. (43) (L)

(41) WC Vol. 1, p. 13.

(42) Warren Commission internal memorandum by Norman Redlich, February 28, 1964.
(43) Harold Weisberg, *Case Open: The Omissions, Distortions and Falsifications of Case Closed*, NY, Carroll and Graf, 1994, p. 19.

14) Page 107. The author again points to the testimony of Marina Oswald to prove a point. The question is the authenticity of the backyard photos showing Oswald proudly displaying his pistol, rifle and leftist newspapers. Marina admitted to Warren Commission attorney Rankin that she took some pictures of Lee in the backyard with his pistol. (44) Marina apparently told Bob Groden that she took the photos with her back to the steps that appear on the left side of the pictures. (45) If you consider it a possibility that she is telling the truth about this, then the background of the photo would be wrong. (46) **(N)**

(44) WC Vol. 1, p. 15.
(45) Robert Groden, *The Search for Lee Harvey Oswald*, NY, Viking, 1995.
(46) Martin Shackelford, *Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.

15) Page 117. Gerald Posner attempts to explain away a probable case of evidence tampering concerning a photograph in Oswald's possession showing a car parked at right-wing radical General Edwin Walker's home in Dallas. (47) Posner says that a gaping hole in the photograph (where the license plate would have been) was already there when confiscated from Oswald's belongings. This is unlikely, since it appears to be undamaged when seen in another photo of items of evidence in the possession of Dallas Police after the assassination. (48) Posner also makes the startling claim that he knows this car belonged to a Charles Klihr, but gives no source that can be checked. (49) **(L)**

(47) William Kelly, "Case Closed Opens New Wounds," *The Fourth Decade*, March, 1994.
(48) Jesse Curry, *JFK Assassination File*, Dallas, TX, American Poster and Printing Co., 1969, p. 113.
(49) Martin Shackelford, "Case Closed: Lee Harvey Oswald and the Assassination of JFK, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.

16) Page 120. Here we see Posner using two completely different and contradictory accounts from Oswald's wife, Marina. She supposedly discovered that Lee was going out to kill Richard Nixon and thwarted his assassination scheme by forcing him to stay home. (50) The pregnant Marina trapped her husband in an unlocked bathroom and held the door shut (despite Oswald's superior strength) until he "quieted down." (51) Posner explains that it was really LBJ Oswald was after and points to the incident as proof of Oswald's "increasing instability." The Warren Commission rejected both versions of the story as having "no probative value." (52) In one version she trapped her husband in the bathroom for three hours. (53) To the Warren Commission she testified about using brute strength to hold the door shut (and said the whole incident took "maybe twenty minutes"). (54) **(L)**

(50) Peter Dale Scott, "A Review of Gerald Posner, *Case Closed: Lee Harvey Oswald and the Assassination of JFK*," *Deep Politics II: Essays on Oswald*, Skokie, Illinois, Green Archives Publications, 1995.
(51) WC Vol. 5, p. 389.
(52) WC Report, p. 189
(53) WC Vol. 22, p. 786.

(54) WC Vol. 5, p. 392.

17) Page 127. Posner claims that on May 29, 1963 Oswald "'went to the Jones Printing Company" to order 1000 pro-Cuba handbills. His reference for this is an FBI report by Special agent John M. McCarthy concerning McCarthy's interview of Myra Silver. (55) When shown a photograph of Oswald she was unable to recognize him as the man who ordered the handbills from her. So what we have here is a classic Posnerism. He cites testimony that contradicts the point it is supposed to support. (56) **(L)**

(55) WC Vol. 22, p. 797.
(56) Martin Shackelford, *"Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.

18) Page 138n. Posner says that Gaeton Fonzi was the investigator for the House Select Committee on Assassinations who looked into David Ferrie, Guy Banister and the activities at Banister's office, 544 Camp Street. He suggests this is odd because Fonzi "was a committed believer in conspiracy." In his haste to discredit all "conspiracy buffs" in general and Fonzi and the House Select Committee on Assassinations in particular, Posner incorrectly identifies Fonzi as the author of HSCA reports in this area. (57) Gaeton only did the editing on the reports that were actually produced by HSCA researchers Patricia Orr and Elizabeth Palmer. (58) **(L)**

(57) Jim DiEugenio, "Posner in New Orleans: Gerry in Wonderland," *Dateline Dallas*, November 22, 1993.
(58) HSCA Vol. 10.

19) Page 139. Posner attacks the credibility of all witnesses who connected Lee Harvey Oswald with Guy Banister. (59) Banister was a right-wing racist extremist and former special agent in charge of the Chicago office of the FBI. Banister's address appeared on pro-Cuba literature that Oswald was handing out in New Orleans in the summer of 1963. It has been theorized that Oswald may have worked with (or for) Banister in a US intelligence-related capacity as an agent provocateur. Posner dismisses this possibility and disconnects Oswald from any association with Banister by saying that the House Select Committee on Assassinations "questioned six other individuals who worked for Guy Banister during the summer of 1963 and none of them recalled seeing Oswald at 544 Camp." (60) Posner is familiar with the work of Anthony Summers and uses him as a source for information on some issues. Posner neglects to mention that Summers lists four other witnesses who indicated an Oswald-Banister link. (61) **(L)**

(59) Martin Shackelford, "Case Closed: Lee Harvey Oswald and the Assassination of JFK, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.
(60) HSCA Vol. 10, pp. 128-30.
(61) Anthony Summers, *Conspiracy*, NY, McGraw-Hill, 1980, pp. 322-5.

20) Page 144n. Posner claims that "few researchers now believe" that Oswald was seen with Clay Shaw and David Ferrie in Clinton, LA. He claims that critics now seem to believe that it may have been Guy Banister and not Clay Shaw. Posner doesn't know or chooses to ignore the fact that one of his own cited Clinton witnesses, Henry Palmer knew Banister and insisted that it was not Banister. (62) **(L)**

(62) Jim DiEugenio, "Posner in New Orleans: Gerry in Wonderland," *Dateline Dallas*, November 22, 1993. Martin Shackelford, *"Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993. *New Orleans Times Picayune*, February, 7, 1969.

21) Page 175. When Posner has trouble with a name, the same error is repeated over and over. We only count this as one mistake but, at least in this respect, he shows consistency. Silvia Odio is spelled Sylvia Odio on three separate pages. (63) You might excuse Posner for confusing the name Sylvia with Silvia. He makes several attempts at "discrediting" Sylvia Meagher (and fails each time) and then he has to keep track of three others he mentions with the same first name in a space of three (Silvia Herrera, Silvia "Sylvia" Odio and Sylvia Duran). (64) **(N)**

(63) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.
(64) *Case Closed*, pp. 178-80.

22) 186n. Posner excuses the mix-up by the CIA in incorrectly identifying a photo of a man at a communist embassy in Mexico City as being Oswald. He claims that "the CIA file did not contain any photos" of Oswald at the time of the error. Peter Dale Scott points out that this is not true. (65) The CIA had at least four photos of Oswald in its pre-assassination file on him. Two were photos of Oswald taken by American tourists in Minsk when Oswald was living there as a defector and the other two were in newspaper clippings.(66) **(L)**

(65) Peter Dale Scott, "A Review of Gerald Posner, *Case Closed: Lee Harvey Oswald and the Assassination of JFK," Deep Politics II: Essays on Oswald*, Skokie, Illinois, Green Archives Publications, 1995.
(66) Anthony Summers, *Conspiracy*, NY, McGraw-Hill, 1980, pp. 380-1.

23) Page 224. According to Gerald Posner, Oswald's neighbor Linnie Mae Randle saw Oswald on the morning of the assassination carrying a package "under his armpit, and the other end did not quite touch the ground." This is a classic Posnerism. (67) He has combined Randle's testimony with her brother's to give a deliberate false impression. Her brother, Buell Wesley Frazier (who saw Oswald at a different time carrying the package), said that Oswald had one end in his right hand and the other end under his armpit. (68) In Frazier's description, he mentions nothing about the package being anywhere near "the ground." In Linnie Mae Randle's statement to the FBI of Dec. 2, 1963, she said Oswald was carrying a package in his right hand and that it was long but it did not touch the ground as he walked across the street. (69) She said nothing about it being "under his armpit." In Randle's testimony in Washington, DC, she further clarified this by saying that Oswald held it at "the top with just a little bit sticking up." (70) To the FBI she demonstrated that it was 27 inches long. (71) To attorney Ball she said it was "a little bit more than two feet long." (72) This was much shorter than the three foot length of the package in evidence and much too short to have contained the rifle, even in a disassembled state. **(L)**

(67) James R. Folliard, "Gerald Posner Closes the Case, "*The Fourth Decade*, November, 1993.
(68) WC Vol. 2, p. 228.
(69) WC Vol. 24, p. 407.
(70) WC Vol. 2, p. 248.
(71) WC Vol. 24, p. 408.
(72) WC Vol. 2, p. 249.

24) Page 225. Posner again deliberately confuses the issue of the paper sack that was allegedly used to smuggle the rifle into the Texas Schoolbook Depository. He states that Randle and her brother Buell Wesley Frazier both "said it looked like the one Oswald carried that morning." They both were quite certain in explaining that the package was too short to contain the rifle. (73) Frazier said that Oswald had a package that "was roughly about two feet long." (74) Frazier insisted that the package shown to him by attorney Ball

was "entirely too long" to be the one Oswald had that morning. (75) Linnie Mae Randle was also very firm when asked by Ball if it was "anywhere near similar" in length. She said, "It definitely wasn't that long." (76) Mrs. Randle, when shown the same sack by the FBI on Dec. 1, 1963, folded it down to its correct length of 27 inches. She also showed agents McNeely and Odum that Oswald carried the package "at the top with his hand." (77) **(L)**

(73) James R. Folliard, "Gerald Posner Closes the Case," *The Fourth Decade*, November, 1993.
(74) WC Vol. 2, p. 226.
(75) WC Vol. 2, p. 240.
(76) WC Vol. 2, p. 249.
(77) WC Vol. 24, p. 408.

25) Page 225. Posner says Bonnie Ray Williams saw Oswald at 11:40 AM on the east side of the sixth floor of the Texas School Book Depository, "near the windows overlooking Dealey Plaza." On March 19, 1964 Williams said, in an FBI interview, that the last time he saw Oswald was "at about 11:40 AM. (78) At that time Oswald was on the sixth floor on the east side of the building." (79) But then we check his Warren Commission testimony of March 24, 1964 and he marks a spot on a chart at the north side of the building where he last saw Oswald at 11:45-11:50 AM. (80). To show just how bad this particular witness was we can refer to Williams' sworn affidavit from Nov. 22, 1963 where he says he didn't see Oswald at all after he "saw him at 8 AM." (81) Posner took his pick from three different versions to find one that was consistent with the lone assassin theory and completely ignored the other versions given by the same, unreliable witness. **(L)**

(78) Jerry Rose, "The Deadly Smirk and Other Inventions," *The Fourth Decade*, November, 1993.
(79) WC Vol. 22, pp. 681-2.
(80) WC Vol. 3, p. 167.
(81) WC Vol. 24, p. 229.

26) Page 225n. Posner claimed the paper sack that allegedly held the rifle "contained microscopic fibers from the blanket with which Oswald kept the rifle wrapped." FBI agent Stombaugh, an expert from their hair and fiber unit testified only that "the possibility exists that these fibers could have come from this blanket." (82) This is not a very conclusive statement and shows he was far from certain about this. (83) Then, incredibly, we find Posner contradicting his previous statement by saying (on page 272 of Case Closed) that the FBI didn't have a match. Posner makes a categorical statement and then completely contradicts himself 47 pages later. (84) **(L)**

(82) WC Vol. 4, p. 81.
(83) James R. Folliard, "Gerald Posner Closes the Case,"*The Fourth Decade*, Nov., 1993.
(84) *Case Closed*, p.272.

27) Page 226. Posner tells us that an FBI agent assembled the alleged murder rifle in less than six minutes using only a dime. Oswald had no known tools available to him to assemble the weapon after he supposedly brought it into the Texas School Book Depository in pieces. Sure enough, FBI agent Cunningham supposedly demonstrated this feat in front of Warren Commission attorney Ball. (85) Dr. Roger McCarthy of Failure Analysis Associates, (who is also an expert marksman and couldn't duplicate Oswald's shooting accomplishment) tried to assemble a Carcano rifle with a dime and found it was impossible, because a dime is too thick to fit the slots in the screws. (86) **(L)**

(85) WC Vol. 2, p. 252.
(86) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.

28) Page 227n. Now we have the amazing example of a group of five Texas School Book Depository employees who all changed their stories over time to favor a lone assassin. Each of these five witnesses Posner cites are going to be treated as a separate item for the purposes of the list. Posner uses their later stories to prove that Oswald was seen on the sixth floor minutes before the assassination. (87) Posner says "five witnesses placed Oswald on an upper floor" before noon. On March 18, 1964, our first witness, Danny Arce says nothing about seeing Oswald at that time. (88) In Arce's April 7, 1964 testimony he says he saw Oswald around noon and states, "I believe he was on the fifth; I am not too sure." (89) Now he sees him on an upper floor but isn't certain of which one. **(L)**

(87) Peter Dale Scott, "A Review of Gerald Posner, *Case Closed: Lee Harvey Oswald and the Assassination of JFK," Deep Politics II: Essays on Oswald,* Skokie, Illinois, Green Archives Publications, 1995.
(88) WC Vol. 22, p. 634.
(89) WC Vol. 6, p. 364-5.

29) Page 227n. The second witness in Posner's gang of five is Jack Dougherty. In one statement to the FBI, Dougherty does not mention anything about seeing Oswald at any time on the day of the assassination. (90) In his testimony to the Warren Commission on April 18, 1964 he verifies his earlier Nov. 23, 1963 statement to the FBI that he saw Oswald at "11 AM on the sixth floor." (91) Then we have yet another statement from Dougherty from a deposition he signed on Nov. 22, 1963 that he "saw him on the 6th floor shortly before noon." (92) How can Posner be so sure he has selected a truthful version? There is no way to tell if any of the versions are accurate. **(L)**

(90) WC Vol. 22, p. 645.
(91) WC Vol. 7, p. 378.
(92) WC Vol. 24,p. 206.

30) Page 227n. The third witness of this bunch is the previously described Bonnie Ray Williams. We saw how he came up with conflicting statements as to where he saw Oswald that day. Williams stated in his March 24, 1963 appearance before the Warren Commission that he saw Oswald on the "fifth or sixth floor" around "11:30 or 12:00." (93) Earlier, Williams said to the FBI (on March 19, 1964) that he saw him "at about 11:40 AM" and now seemed certain that it was the sixth floor. (94) In one account he was on the east side of the building and in the other he saw him on the north side. **(L)**

(93) WC Vol. 3, p. 168.
(94) WC Vol. 22, p. 682.

31) Page 227n. Our fourth flexible witness, Billy Lovelady, gave a statement to the FBI on March 19, 1964 that he last saw Oswald on the sixth floor in the morning and gave no specific time. (95) In Lovelady's Warren Commission testimony on April 7, 1964 he now remembers an elevator ride at noon where he heard Oswald yell out a request to be taken down with him on the elevator. They kept on going and left him on an upper floor. (96) In Lovelady's deposition of Nov. 22, 1963 he makes no mention of Oswald. (97) **(L)**

(95) WC Vol. 22, p. 662
(96) WC Vol. 6, p. 337.
(97) WC Vol. 24,
p. 214.

32) Page 227n. The final witness in this group of five is Charles Givens. Givens stated in his Warren Commission testimony that he saw Oswald on the 6th floor just before noon. (98) In his Dallas Police statement of Nov. 22, 1963 he makes no mention of Oswald. (99) In his FBI deposition of March 18, 1964 the only mention of Oswald is to say that he didn't see him "when the President was shot." (100) In February of 1964 the FBI interviewed Lieutenant Jack Revill of the Dallas Police. Revill stated that Givens had been arrested on

marijuana charges and that "Givens would change his story for money." (101) On April 8, 1964 Givens, for the first time, admitted that he went back up to the 6th floor for cigarettes and saw Oswald there. Warren Commission attorney Belin asks him if he saw Oswald at 11:50 AM reading a paper in the Domino Room on a lower floor. Givens said no, but Belin knew (from an unpublished FBI affidavit of Nov. 22, 1963) that Givens had said exactly that. (102) Givens went from seeing nothing to seeing him at lunch on a lower floor at 11:50 AM to seeing him on the sixth floor just before noon. These five persons' accounts are a conflicting, confusing mass of contradictions. Posner uses their later, evolved stories to "close" the case. Didn't Posner say something about preferring testimony "closer to the event" and that it must be "given greater weight" (103) **(L)**

(98) WC Vol. 6, p. 351.
(99) WC Vol. 24, p. 210.
(100) WC Vol. 22, p. 649.
(101) Sylvia Meagher, *The Texas Observer*, "The Curious Testimony of Mr. Givens," August 13, 1971. Peter Dale Scott, Paul Hoch and Richard Stetler, *The Assassinations: Dallas and Beyond - A Guide to Cover-ups and Investigations*, NY, Vintage Books, 1976.
(102) Warren Commission Document 5, p. 329.
(103) *Case Closed*, p. 235.

33) Page 227. We find out from Posner that Lee Harvey Oswald wasn't in the Texas School Book Depository lunchroom around noon like he had claimed to be when questioned by authorities after his arrest. How does Posner know? We find out that three of the Warren Commission's most pliable witnesses say they were eating in that lunchroom in their later Commission testimony. When we check Posner's references for Charles Givens we see he said no such thing. (104) When asked by attorney Belin if he ate in the Texas School Book Depository that day, Givens says, "No sir." (105) Danny Arce said in his Warren Commission testimony that he ate "In that little Domino Room there." (106) In Arce's affidavit of Nov. 22, 1963 he said, "At lunch time at 12:00 noon I went down on the street to see the parade." (107) He said he was standing at "Elm and Houston" at 12:30 PM when he heard shots. (108) Jack Dougherty does say he ate "In the Domino Room" when he testified to the Warren Commission on April 8, 1964, but he says on the next page of the testimony that he thinks he ate lunch after the assassination. (109) The Warren Commission Report describes Dougherty as being "confused." (104) **(L)**

(110) Peter Dale Scott, "A Review of Gerald Posner, *Case Closed: Lee Harvey Oswald and the Assassination of JFK, "Deep Politics II: Essays on Oswald*, Skokie, Illinois, Green Archives Publications, 1995.
(105) WC Vol. 6, p. 352.
(106) WC Vol. 6, p. 365.
(107) WC Vol. 24, p. 199.
(108) WC Vol. 6, p. 378.
(109) WC Vol. 6, p. 379.
(110) WC Report, p. 153.

34) Page 231n. In a footnote Posner claims that the Bronson film was "enhanced by the Itek Corporation for CBS." The Bronson film didn't surface until 1978 at which time the HSCA had another firm, Aerospace Corporation study the film. CBS hired Itek to study other known films of the assassination in 1975. The Aerospace Corporation analysis of the Bronson film was inconclusive in its findings concerning possible movement in the TSBD windows and recommended further study. (111) **(N)**

(111) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.

35) Page 233. Posner parrots the often-repeated myth that "no Secret Service men rode on

the running boards attached to the rear" of JFK's limousine. (112) Posner ignores or doesn't know about agent Clint Hill's testimony to the Warren Commission that he rode on the back of the limousine "approximately four times." (113) And now, thanks to the work of the Assassination Records Review Board, we have corroboration for Clint Hill's testimony. A recently discovered film taken from the car immediately following the limousine shows Hill riding on the back of the Limousine. (114) Although no reference is given, William Manchester seems to be the source of this error. (115) **(L)**

(112) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.
(113) WC Vol. 2, p. 136.
(114) Dave Powers film, National Archives.
(115) William Manchester, *The Death of a President*, NY, Harper & Row, 1967, p. 37.

36) Page 234. The author contends that "the President's hands jerked up into a locked position level with his neck." Posner adopts this idea from a long-time lone assassin theorist by the name of Dr. John Lattimer. (116) It's not really accurate to say that his hands went into a "locked position" since they came back down to some degree even before the fatal head shot struck. (117) **(L)**

(116) John K. Lattimer, *Kennedy and Lincoln: Medical and Ballistic Comparisons of Their Assassinations*, NY, Harcourt, Brace and Jovanovich, 1980, pp. 243-4.
(117) Abraham Zapruder film, National Archives.

37) Page 234. Some witnesses contend (and Posner agrees) that the limousine slowed and came to a virtual standstill before the fatal shot hit. Posner says that the driver of the limousine, William Greer, "turned in his seat to see what had happened" after hearing gunfire. In fact Greer turned around not once, but twice and didn't accelerate until the President was hit in the head. (118) It could be argued that, when he first turned and saw an obviously distressed President, Greer should have reacted by accelerating right away. If he had done this, the fatal shot might not have hit JFK at all. (N)

(118) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.

38) Page 237. Posner attempts to discredit Josiah Thompson's statistical breakdown of the locations where witnesses felt the shots originated. Thompson calculated that 52% were for the Grassy Knoll location, 39% for the Texas School Book Depository and 6% for neither location. (119) While taking exception with certain of Thompson's interpretations, Posner either ignores or doesn't know of a much larger study done by researcher Craig Ciccone. (120) Ciccone's study concluded that, out of 326 total identified witnesses, 90 were for the Grassy Knoll, 46 were for the Depository and 6 felt shots came from both locations. (121) **(L)**

(119) Josiah Thompson, *Six Seconds in Dallas: A Microstudy of the Kennedy Assassination*, NY, Bernard Geis Associates, 1967, p. 24.
(120) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.
(121) Craig Ciccone, "Master List of Witnesses in Dealey Plaza - 11/22/63"

39) Page 245. Posner says that photographer Ron Reiland (who photographed the arrest of Lee Harvey Oswald in the Texas Theater) took film of the incident but, because of mistakes in using lenses, "nothing developed." Reiland's film did develop. (122) The film did turn out

to be improperly exposed but nonetheless exists and is available to be seen. (123) (N)

(122) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.
(123) See the video, "Films From the Sixth Floor."

40) Page 245n. Gerald Posner incorrectly identifies reporter Robert MacNeil as the person Lee Harvey Oswald reportedly mistook for a Secret Service agent just after the assassination. Posner apparently relies on William Manchester's false claim that it was MacNeil when MacNeil himself refutes this in his own book. (124) MacNeil discovered that this person was actually Pierce Allman. (125) Posner then repeats this error in his illustration of Oswald's escape route in the Texas School Book Depository. (126) (N)

(124) William Manchester, *The Death of a President*, NY, Harper & Row, 1967, p. 37.
(125) Robert MacNeil, *At the Right Place at the Right Time*, NY, Little, Brown & Co., 1982, p. 213.
(126) *Case Closed*, p. 481.

41) Page 247. Posner accepts the witness, James Worrell, who claims to have seen "what you might call a little flash of fire and then smoke." (127) Posner embraces this description uncritically because it presumably gives him a witness to a rifle firing in the Texas School Book Depository window where Oswald is supposed to be. Actually, Posner combines two similar but different statements on the same page of testimony into one. This compositing of testimony doesn't appreciably change the meaning. Quote number one is, "Well I saw what you might call a little flame and smoke." Quote number two describes a third shot and Worrell says, "same thing, a little flash of fire and then smoke." What Worrell says after this is something that Posner, in his selective, deceptive style, has to avoid. Worrell says, I didn't see it on the fourth one." It is inconvenient that this witness clearly describes four shots and t the three that Posner's flavor of lone assassin theory depends upon. In an affidavit signed by Worrell on Nov. 22, 1963 he said that he didn't see the first shot's fire and smoke, he did see it on the second and he ran and (while running) heard, but did not see, a third and fourth shot. (128) This is another example of Posner's choice of witnesses with evolving and changing testimony that he so often uses to "close" the case. But this is not the worst part about this example. With prosecutorial zeal Posner does everything he can to discredit several Grassy Knoll witnesses. Some witnesses noticed what appeared to be a puff of smoke rising up from the Knoll area. To counter these witnesses Posner completely reverses himself in relation to the fire and smoke aspect nine pages later. He makes a truly mindless error of self-contradiction by stating categorically that "modern ammunition is smokeless." (129) (L)

(127) WC Vol. 2, p. 200.
(128) WC Vol. 16, p. 959.
(129) James R. Folliard, "Gerald Posner Closes the Case," *The Fourth Decade*, November, 1993.

42) Page 248. Posner is not above using almost any witness to prove his points. One of the weakest witnesses used by the Warren Commission was Howard Brennan. Brennan claimed that the shooter was standing and is credited with the description that led to his apprehension. (130) The trouble with Brennan's claim is the fact that the alleged sixth floor Texas School Book Depository shooter had to be crouched down behind the boxes that formed the rest for his gun. Any "guess" (as Posner characterizes it) of the person's height would have been a virtual impossibility. (131) (L)

(130) WC Vol. 3, p. 144.
(131) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and*

the Assassination of JFK, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.

43) Page 251. The next item comes from a controversial witness by the name of Jean Hill. There is no controversy about the mistake we are about to describe. Posner states, in an attempt to discredit inconvenient statements by Hill, that "The Zapruder home movie shows Hill never moved or said a word the president passed and she was not even looking at him when he was first shot." Jean Hill does not even appear in the Zapruder film until frame number Z287 after both Connally and the President have been hit. (132) Posner, later in e book, gives us his unlikely theory that the first shot was fired "near frame 160 ." (133) Whether Jean Hill is reliable as a witness or not is totally irrelevant in respect to this surprisingly inaccurate claim by Posner. **(L)**

(132) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, .1993.
(133) *Case Closed*, p. 323.

44) Page 256. On the day of the assassination Posner says, "there was a stiff wind blowing north to south." This is an attempt to explain why people in the motorcade smelled gunpowder immediately after the shots were fired. When we check his references for this claim we see Posner at his deceptive best on this issue. Mrs. Robert Reid said, "the wind was blowing a little bit," but gives no direction at all. (134) Luke Mooney says, "The wind was blowing pretty high," and again we see he gives no direction at all. (135) James Romack states, "The wind was blowing a little bit from the south that day." (136) Only two of his cited five witnesses talk of wind from the north. Tom Dillard said, "there developed a very brisk north wind." (137) James Altgens says, "The north wind caught her (Jackie Kennedy's) hat and almost blew it off." (138) So on this point we have two supporting witnesses, two who offer no verification and one that flatly contradicts Posner's statement. (139) The House Select Committee on Assassinations checked the wind direction for that day and found that at 12:30 PM the wind was blowing from the west. (140) This wind direction suggests that the occupants of the cars traveling west would not have smelled gunpowder at all if the smell was originating from Texas School Book Depository. In fact it would not have entered the Dealey Plaza zone at all and would have headed east from Oswald's alleged perch. For the purpose of this study we will count this as one error, even though it involves three misrepresentations of testimony. **(L)**

(134) WC Vol. 3, p. 273.
(135) WC Vol. 3, p. 282.
(136) WC Vol. 6, p. 280.
(137) WC Vol. 6, p. 165.
(138) WC Vol. 7, p. 517.
(139) Michael M. Dworetsky, "Wind and Gunsmoke: A Deception in Gerald Posner's Case Closed," *Electronic Assassinations Newsletter*, Issue #1, http://home.cynet.net/jfk/
(140) HSCA Vol. 8, pp. 21, 173-4.

45) Page 257. Posner makes the statement that witness Gordon Arnold "was not in Dealey Plaza on the day of the assassination." Posner refers to unnamed "photo enhancements" that he says proves Arnold is not there on the Grassy Knoll where he claimed to have fallen to the ground immediately after the shots. Senator Ralph Yarborough saw this account in a story in the Dallas Morning News and confirmed, in another, later article in the *Dallas Morning News*, that he saw a man drop down quickly just after hearing gunfire. (141) He thought to himself that this was the reaction of a "combat veteran." (142) Posner claims that Yarborough saw Bill Newman and not Arnold. Newman was an ex-serviceman but

Newman and his wife were close together and each had one of their small children with them as they also fell to the ground on the Grassy Knoll. Yarborough described a "young serviceman" in a uniform, but Newman was in civilian clothing. Arnold was a 22-year-old just out on leave after completing his army basic training. (143) Posner's unexplained "photo enhancements" would be meaningless if Arnold was flat on the ground and out of sight of cameras at that time. Posner also says that Arnold "ran into men with CIA identifications" on the Grassy Knoll. Arnold, like others, has mentioned that there were men with Secret Service credentials in the arca (not CIA). (144) **(L)**

(141) Jim Marrs, *Crossfire*, NY, Carroll & Graf, 1989, 1990, p. 78-9.
(142) Earl Golz, "SS Impostors Spotted by JFK Witness,"*Dallas Morning News*, August 27, 1978. Ralph Yarborough, *Dallas Morning News*, December 31,1978.
(143) Anthony Summers, *Conspiracy*, NY, McGraw-Hill, 1980, p. 58-9.
(144) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.

46) Page 264. Harold Weisberg explains that Posner was wrong when he says that Oswald "hurried diagonally across the sixth floor." (145) The sixth floor was full of books and this would have been impossible. A look at Commission Exhibit 719 demonstrates this problem. (146) It is a photo of this floor of the building that shows dense stacks of boxes piled high. These boxcs would have been in the way of this escape route. Perhaps Posner is aware that it would have been unlikely that Oswald could have hidden the weapon in the manner in which it was discovered and made it downstairs to be confronted by a police officer on a lower floor in the time allotted him by the Warren Commission. Posner repeats this error on his chart that shows a diagonal line through a representation of the area that includes none of the boxes that were in the way of Posner's imagined escape route. (147) **(L)**

(145) Harold Weisberg, *Case Open: The Omissions,Distortions and Falsifications of Case Closed*, NY, Carroll and Graf, 1994, p. 110.
(146) WC Vol. 17, p. 502.
(147) *Case Closed*, p. 480.

47) Page 268. Posner has a habit of wholeheartedly endorsing a witness on one point that he needs to "prove" and then trying hard to discredit the same witness on some other issue. On one hand he accepts the testimony of Earlene Roberts (Oswalds rooming house landlady) when it comes to Oswald returning to his room after the assassination to retricve his jacket and pistol. Oswald needed his jacket to conceal the pistol he allegedly murdered a Police officer with after the assassination. (148) On the same pagc Posner refers to Hugh Aynesworth's interviews with Roberts to cast doubt on her claim to have seen a police car stop out front of the rooming house and honk while Oswald was getting his jacket and gun. (149) Is Roberts a reliable witness or not? (150) **(L)**

(148) WC Vol. 6, p. 439.
(149) WC Vol. 6, p. 443.
(150) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.

48) Page 272. Posner attempts to fool the unsuspecting reader into thinking that Wesley Frazier and Linnie Mae Randle were in agreement as to the way Oswald carried the paper sack that supposedly contained the disassembled rifle on the morning of the assassination. (151) Posner says the palm print of Oswald was near the bottom of the bag. Frazier testified (but not Randle) that Oswald held the lower part of the bag "with his right hand." (152) In

this example of Posnerian deception we are given no reference. If we revisit Randle's testimony we see that she said Oswald held it near "the top." (153) It seems even Warren Commission attorney Ball didn't know which end was which on this bag (that he had with him during questioning of the witnesses). When Randle asked him if she was correct in her guess as to where the bottom of the bag was, Ball said, "I believe so, but I am not sure." (154) (L)

(151) James R. Folliard, "Gerald Posner Closes the Case," *The Fourth Decade*, November, 1993.
(152) WC Vol. 2, p. 228.
(153) WC Vol. 2, p. 248.
(154) WC Vol. 2, p. 249.

49) Page 272. Posner loves to "debunk" assassination myths but he also embraces them when they serve his purposes. He states that there was a gathering of "every one of the Texas School Book Depository's employees on the first floor. The only one missing was Lee Oswald." Posner gives no reference for this "gathering." I discovered that J. Edgar Hoover sent a list of statements taken by FBI agents of 73 persons who worked at the Texas School Book Depository to the head council of the Warren Commission, J. Lee Rankin on April 3, 1964. If you read every one of these sworn statements you will find no mention in any of them (including the one signed by Roy Truly) of any roll call or "gathering" of TSBD employees. (155) Reporter Kent Biffle supposedly saw two roll calls and he says that at the second one everyone was there but Oswald. The second roll call supposedly happened at 2:30 PM when Oswald was already in custody. (156) A statistical breakdown of the 73 FBI statements reveals that 17 were never in the building after 12:30 PM, 41 had left by 2:30 PM, 3 left between 2:30 PM and 3:00 PM, 4 were only in the TSBD briefly (after 2:30) and only 8 stated that they left at times after 2:30 PM. Not only is there no mention of any "gathering," but the great majority of those who worked in the building had left by 2:30 PM. (L)

(155) WC Vol. 22, CE 1381, pp. 632-86.
(156) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993. Kent Biffle, "Reporter Recalls the Day Camelot Died in Dallas," *Dallas Morning News*, April 5, 1981.

50) Page 273. In Posner's haste to debunk a story about three tramps arrested in Dealey Plaza after the assassination, he commits one of his most comical errors. Harold Weisberg tells us about researcher David Keck's discovery that Posner said that one of the tramps was identified as "Buddy Harrelson." Somehow, Posner got the father of actor Woody Harrelson confused with another man named Harrelson. (157) Charles Harrelson is in jail for murder and once supposedly claimed he was a shooter on the Grassy Knoll. Buddy Harrelson is a former infielder with the New York Mets. (N)

(157) Harold Weisburg, *Case Open: The Omissions, Distortions and Falsifications of Case Closed*, NY, Carroll and Graf, 1994, pp. 77-8.

51) Page 288. This is one of the few innocent mistakes that has nothing to do with who shot JFK. It's just another example of Posner getting people's names wrong. (158) He has Diana Bowron's name spelled as Bowren both in the text of his case closing "model of historical research," (159) and in the index on page 587. (160) (N)

(158) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.

(159) *Case Closed*, Steven Ambrose on back cover.
(160) *Case Closed*, p. 587.

52) Page 291. It's time for another example of Posner's talent for self-contradiction. In his effort to confuse the head wound issue he quotes Dr. Pepper Jenkins, of Parkland Hospital in Dallas, as claiming that Dr. Kemp Clark first examined the head wound when Jenkins suggested that they give up and declare JFK dead. Later he quotes Jenkins as saying "no one had time to examine the wounds." (161) This is obviously not true if you examine the Warren Commission testimony of the doctors who attended JFK at Parkland. Virtually all of the Dallas doctors did examine the head wound and were remarkably consistent in their description of it as being in the rear of the head. (162) Some of the doctors have changed their tunes in later years to support the lone assassin theory and Posner again violates his rule that "testimony closer to the event must be given greater weight than changes or additions made years later." (163) The occiput or occipital bone lies in the rear of the head and all of the Parkland doctors reported a large wound in this area. Dr. Kemp Clark stated that it was "in the right occiput" (164) Dr. Charles Carrico said, "a large gaping wound, located in the right occipitoparietal area." (165) Dr. Paul Peters described a "large defect" and placed it "in the right occipitoparietal area."(166) Dr. Charles Baxter said, "cerebellum was present." (167) Cerebellum is a part of the brain that is only found very low and in the rear of the head (not at the top where Posner wants you to think the wound was). Dr. Pepper Jenkins said "part of the cerebellum, as I recognized it, was herniated from the wound." (168) Dr. Malcolm Perry saw, "a large avulsive wound of the right parietal occipital area." (169) Dr. Robert McClelland (one of the few who has stood by his original description) said, "the right posterior portion of the skull had been extremely blasted." (170) **(L)**

(161) *Case Closed*, p. 309.
(162) Millicent Cranor, "The Wandering Wounds," *The Fourth Decade*, March, 1994.
(163) *Case Closed*, p. 235.
(164) WC Vol. 17, p. 10.
(165) WC Vol. 6, p. 6.
(166) WC Vol. 6, p. 71.
(167) WC Vol. 6, p. 41.
(168) WC Vol. 6, p. 48.
(169) WC Vol. 3, p. 371.
(170) WC Vol. 6, p. 33.

53) Page 294. The author states as fact that Darrell Tomlinson discovered "a 6.5 mm bullet" on a stretcher that Posner says was John Connally's in Parkland Hospital later in the day, after the assassination. Tomlinson's account of this discovery seems to describe a stretcher that could not have been Connally's as the one that held the "magic bullet." (171) A surprised Arlen Specter was unable to get Tomlinson to be helpful on this matter because he indicated that the bullet fell off of the stretcher that was already there (and not the one that had been recently taken from the nearby elevator). (172) And no one has ever explained how this bullet got underneath the mat of the stretcher after wiggling itself out of Connally's leg (without Connally's surgeon noticing). (173) **(L)**

(171) WC Vol. 6, pp. 130-1.
(172) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.
(173) WC Vol. 6, p. 130.

54) Page 305n. Posner explains away the bullet holes in the clothing that are six inches below the top of his collar (which prove he was not shot in the back of the neck) by stating that JFK's coat and shirt were "bunched and riding up his back as a result of his waving to the crowd." Try this as an experiment and you will find it impossible to do. We now have proof that this did not happen in the form of a newly discovered film discovered by the

Assassination Records Review Board. (174) This film taken from the car behind JFK's limousine shows no such bunching. Posner claims photos taken of the motorcade show the bunched-up shirt and jacket and conveniently, he gives no reference as an example. He also claims his back brace pushed his clothing up. This is questionable, as you will see in the discussion of the upcoming item that relates to pages 315-6. (L)

(174) Dave Powers film, National Archives.

55) Page 310. Posner mentions the 1988 Nova special hosted by Walter Cronkite (who, by the way, has expressed contempt for "conspiracy theorists"). (175) The Parkland doctors were shown the autopsy photos and X rays. Posner says that "each confirmed the photos represented what they remembered." If you actually view that television program, you will see that the doctors were asked where the head wound was. They all pointed to the backs of their heads. (176) (L)

(175) Nova, "Who Shot President Kennedy?,"November 15, 1988.
(176) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.

56) Page 310n. Gerald Posner tells us that the Zapruder film shows "that there was no defect in the rear of the head." Martin Shackelford says that if you look at clear still frames of Z316 and Z317 you can see what appears to be cratering at the back of the head. (177) While this is perhaps inconclusive, it certainly does not eliminate the possibility of a large, rear wound. The Parkland doctors explained to Nova that the contradiction in their memories about the location of the head wound might be explained by a flap of skin that could have been pulled up to hide the large rear head wound. Posner debunks his own witnesses on this point by quoting from an interview of HSCA medical panelist, Dr. Michael Baden. Baden reportedly told Posner, "There is no flap of skin there." (178) (L)

(177) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique", *The Investigator*, August-September, 1993.
(178) Gerald Posner interview with Dr. Michael Baden.

57) Pages 315-6. According to Posner, Kennedy's back brace was "preventing him from falling foreword" when he was struck by a bullet fired from behind. Secret Service agent William Greer (the limousine driver) cast doubt on this possibility back in 1964 when he described the back brace to the Warren Commission. Greer said that the brace was "a corset-type maybe six inches wide, he wore it down around his haunches, a little lower than his waist." He further described that it was constructed of "a soft, maybe a kind of corset-type material, maybe elastic or something like that support." (179) Dr. Charles Carrico, who helped in the efforts to save JFK when he was brought to Parkland hospital, also describes the bracc. He said "it was white cotton or some type of fibrous support," said that it "buckled in the front" and that it came up to his navel area." (180) Another Parkland doctor, Dr. Paul Peters, stated that "it appeared similar to a corset." There was also another item that Peters described as "an elastic bandage wrapped around his pelvis at - in a sort of figure eight fashion." Dr. Peters stated that the purpose of this bandage was "additional support to stabilize his pelvis." (181) (L)

(179) WC Vol. 2, p. 125.
(180) WC Vol. 6, p. 4.
(181) WC Vol. 6, p. 70.

58) Page 321. Occasionally Posner refers to mystcrious new "enhancements" of the Zapruder film. He never really explains what he means by this, but he attempts to use this to prove parts of his case. He claims that these "enhancements" helped him deduce that a shot was fired around frame Z162. This is because he has noticed that 10-year-old Rosemary

Willis stops running alongside the limousine and looks back toward the Texas School Book Depository just after Z162. Posner claims this is new when it was actually first discovered by David Lui back in the 70s. Lui noticed this when viewing a bad, bootleg copy of the film. (182) He even has the nerve to cite David Lui's article as a reference for a quote from Rosemary Willis later in his text. (183) **(L)**

(182) Harold Weisberg, *Case Open: TheOmissions, Distortions and Falsifications of Case Closed*, NY, Carroll and Graf, 1994, p. 11-14.
(183) David Lui, "The Little Girl Must Have Heard," *The Dallas Times Herald*, June 3, 1979.

59) Page 325. Posner claims to have interviewed witness James Tague on January 19 and 20, 1992. From this interview Posner has some shocking new information. Tague has changed his story and now says, "I can't tell you which one" when asked by Posner which shot hit the curb and caused a fragment of lead or concrete to nick his face. Then he also has Tague saying, "I could try to pick one, but through the years I have maintained accuracy. I don't know which one hit me." In fact, this new information pried out of him by Posner is not consistent with the story Tague has told through the years. (184) Posner won't quote Tague's original Warren Commission testimony because it disproves what he claims Tague said to him. Posner uses this misinformation as evidence to support his theory that Tague was actually hit by the first shot at Z162. Tague testified (to Warren Commission attorney Liebeler) that "I believe it was the second shot, so I heard the third shot afterwards." (185) He has never even hinted that it could have been the first shot. What is even more shocking about this story is the fact that Tague was contacted by at least three researchers on this point (Harold Weisberg, David Scheim and Dr. Gary Aguilar) and insisted that Posner had never spoken to him at all. **(L)**

(184) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.
(185) WC Vol. 7, p. 555.

60) Page 326. Scrapings of lead from the curbstone hit by the bullet that caused James Tague's wound were, according to Posner, linked to one of Oswald's bullets. He claims FBI agent Shaneyfelt testified to the Warren Commission that the lead "came from the bullet's core." This is a classic Posner deception as noticed by Harold Weisberg. (186) Posner gives no citation for this, but what Shaneyfelt actually said was, "The lead could have originated from the lead core of a mutilated metal-jacketed bullet such as the type of bullet loaded into a 6.5-millimeter Manlicher Carcano cartridge, or from some other source having the same composition." (187) Shaneyfelt was unable to make a match with an Oswald bullet or fragment. It wasn't matched to Oswald's rifle at all. Shaneyfelt couldn't even state conclusively that it came from a Manlicher Carcano rifle or even from a 6.5 mm bullet. **(L)**

(186) Harold Weisberg, *Case Open: The Omissions, Distortions and Falsifications of Case Closed*, NY, Carroll and Graf, 1994, p. 151.
(187) WC Vol. 15, p. 700.

61) Page 335. In *Case Closed* Posner makes use of 3D computer graphics studies that were developed for an American Bar Association limited mock trial of Lee Harvey Oswald for one of their conventions. (188) He does this without mentioning that there was another side of the case presented. He also seems to be implying that these 3D animations or "enhancements" (as he improperly describes them) were done for him. The prosecution had a firm by the name of Failure Analysis Associates construct a three dimensional model of Dealey Plaza. They projected a cone back to where the bullets might have originated. There was a problem with the accuracy of their projections. They were using data based on the single-bullet theory so the study was obviously biased. Gerald Posner took this inaccurate study one level further from reality by deleting a neighboring building from his illustration.

A portion of The Dal-Tex Building was included in the three dimensional cone that was projected back from the wounds on the occupants in the limousine but it has disappeared from Posner's version of the graphic. (189) (L)

(188) American Bar Association, Mock Trial of Lee Harvey Oswald, August 10, 1992.
(189) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.

62) Page 344n. Posner claims the miniature Minox "spy camera" found in Oswald's belongings was actually Michael Paine's and says Paine verified this to him. He does this in a way that casually dismisses shocking and blatant FBI cover-up activities. He mentions that an FBI inventory listed it as a light meter. This is an expensive camera that was frequently used for espionage purposes. The FBI deleted this camera and replaced it with a benign item. They deleted lots of other things too and there is no way to casually dismiss such obvious evidence tampering by making an excuse later that it wasn't even Oswald's. The Minox camera underwent several remarkable transformations and an in-depth study of this and other FBI destruction and alteration of evidence has been done by John Armstrong. (190) (L)

(190) John Armstrong, "The FBI and the Framing of Oswald," *The Probe*, March-April, 1997.

63) Page 345n. Posner makes a false statement in relation to the fact that Lee Harvey Oswald's wife, Marina, does not believe the lone assassin theory and now feels he was a patsy. He says that she "has been bombarded by the critics for three decades." (191) Marina was under the influence (her husband describes it as under the control) of lone assassin author Priscilla McMillan for the first 14 or 15 years after the assassination. Marina did not intcract with the Warren Commission critics until the late 70s when the book project (that McMillan had Marina wrapped up in for so long) was finally released. (192) (L)

(191) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.
(192) Priscilla McMillan, *Marina and Lee*, NY, Harper and Row, 1977.

64) Page 346n. The author again accepts Marina's testimony on certain key points and then, later attacks her by falsely stating that she "joined" with British author Michael Eddowes, who believed that a "Soviet KGB agent was buried in Oswald's grave. Marina agreed to an exhumation, not with any belief in this improbable theory, but in an effort to prove him wrong. She was proven to be right when the body was positively identified as Lee Harvey Oswald. (193) Marina, who used to think her husband was the assassin, now feels there was a conspiracy. Posner, in linking Marina to Eddowes is trying to make Marina look like one of those nutty "conspiracy buffs" that Posner attacks so often in *Case Closed.* (194) (L)

(193) *Detroit Free Press*, August 15, 1980.
(194) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.

65) Page 348. Posner uses former Dallas Assistant District Attorney Bill Alexander as a source (who he cites at least 16 times) but also describes how Alexander perpetrated a colossal fraud on the Warren Commission. Alexander tells Posner a story about how he made the supposedly phony claim that Oswald was an FBI informer with a symbol code of S-179. This was such a serious issue to the Warren Commission that Texas officials were brought in to Washington, DC to explain. The Warren Commission held a secret executive session to discuss this earth-shaking possibility. Alexander explains that he "never much

liked the Federals" and he figured he'd "keep them out of the way by having to run down that phony story." One thing Posner relies on Alexander for is to downplay Jack Ruby's mob connections. (195) Alexander also declared in the early hours of the investigation that Oswald was a part of a communist conspiracy. (196) Why would Posner consider a character like this to be a reliable source of information on which to help him "close" the case? (197) The Warren Commission dealt with the issue of Oswald as a possible US intelligence operative by taking testimony from directors J. Edgar Hoover of the FBI (198) and John McCone of the CIA. (199) Both McCone and Hoover claimed that Oswald was not an agent of US intelligence. **(L)**

(195) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.
(196) Anthony Summers, *Conspiracy*, NY, McGraw-Hill, 1980, p. 434. William Manchester, *The Death of a President*, NY, Harper & Row, 1967, p 287.
(197) Peter Dale Scott, "A Review of Gerald Posner, *Case Closed: Lee Harvey Oswald and the Assassination of JFK," Deep Politics II: Essays on Oswald*, Skokie, Illinois, Green Archives Publications, 1995.
(198) WC Vol. 5, p. 105.
(199) WC Vol. 5, p. 120.

66) Page 355. Posner takes the word of another discredited witness to debunk conspiratorial possibilities involving Jack Ruby. He accepts Tony Zoppi's explanation that Ruby was a "low-level loser," and therefore unimportant and unlikely to be trusted with involvement in any plot. Zoppi told the House Select Committee on Assassinations a story about how, in 1959, he was supposed to go with Ruby on one of Ruby's mysterious trips to Cuba to see the mobster associate Lewis McWillie. (200) Zoppi said he had to instead go to Las Vegas on an assignment as entertainment reporter for the Dallas Morning News. Ruby went on to Cuba and Zoppi said he went to Vegas to see Frank Sinatra. When confronted with the fact that Sinatra was not performing in Vegas on that date, Zoppi retracted the false story. (201) His testimony was considered suspect by the HSCA but he qualifies as a source of information for Gerald Posner to "close" the case. (202) **(L)**

(200) HSCA Vol. 5, p. 170, Vol. 9, pp. 164-9.
(201) Robert Blakey and Richard Billings, *The Plot to Kill the President*, NY, Times Books, 1981, p. 300.
(202) Peter Dale Scott, "A Review of Gerald Posner, *Case Closed: Lee Harvey Oswald and the Assassination of JFK," Deep Politics II: Essays on Oswald*, Skokie, Illinois, Green Archives Publications, 1995.

67) Page 361. Again Posner relies on Zoppi to debunk Ruby's gangster connections. (203) He quotes Zoppi responding to the idea of a Ruby-mob link with the statement that, "It is so ludicrous to believe Ruby was part of the mob." He says Ruby was a "snitch" and that "he couldn't keep a secret" as proof of Ruby's untrustworthiness. Posner, of course, makes no mention of Zoppi's own links with mob-related casinos and his admitted lies during sworn testimony to the House Select Committee on Assassinations. (204) It seems that just about any witness that supplies Posner with what he needs to hear is good enough despite many of his sources' demonstrable lack of reliability. (205) **(L)**

(203) Martin Shackelford, "Case Closed: *Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993. (204) HSCA Vol. 5, p. 171, Vol. 9, pp. 167-8.
(205) Peter Dale Scott, Deep Politics and the Death of JFK, Berkeley, CA, University of California Press, 1993, p.199.

68) Page 368n. Posner will stop at nothing to debunk Ruby's mob ties. On one hand he admits Ruby ate dinner the night before the assassination at Dallas Mafia figure Joseph Campisi's Egyptian Lounge. On thc other hand Posner says that "Campisi did not sce Ruby that night." (206) Where does the "proof" of this categorical statement originate? It is from Dallas Mafiosi Joseph Campisi's account given to the House Select Committee on Assassinations. (207) This is a man that (the HSCA determined) had attended Ruby's funeral and even visited him when he was in jail after Ruby's murder of Oswald. (208) Campisi was no small-time hoodlum. He was the number two mobster in the city behind the big boss, Joseph Civello. Campisi is typical of the quality of Posner's sources upon whom he relies to convict Oswald. **(L)**

(206) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.
(207) HSCA Vol. 9, pp. 335-417.
(208) Robert Blakey and Richard Billings, *The Plot to Kill the President*, NY, Times Books, 1981, p.335.

69) Page 372. Researcher Frank Perri discovered that Posner incorrectly quotes a statemcnt attributed to John Newnam from Jack Ruby. John Newnam worked in the Dallas Morning News advertising department and allegedly saw Ruby at the newspaper's offices soon after the assassination. Newnam's name is commonly misspelled as Newman in assassination literature. (209) Posner, who misspells many names in his error-ridden book, also gets Newnam's name consistently wrong. (210) Posner says Ruby told Newnam, " John, I will leave Dallas. John, I am not opening tonight." Posner took some liberties in quoting what Ruby says Newnam said. He left out what may be a key word in the first sentence and omitted quite a bit of interesting information between the first and second sentences of the "quote." The full and accurate quote from Ruby's testimony is, "And I said, 'John, I will have to leave Dallas.' I don't know why I said that, but it is a funny reaction that you feel; the city is terribly let down by the tragedy that happened. And I said, 'John, I am not opening up tonight.' " (211) Posner put his truncated version of Ruby's statement in quotes, as if it is verbatim. I would guess that Posner probably omits the word "have" because it could be interpreted to mean he will be forced to get out of town for some reason (perhaps related to conspiracy). The inference one takes from Posner's altered version is that Ruby just wants to leave town (maybe relating to shame or disgust at what happcned in Dallas). Posner also leaves out Ruby's cxcuse for saying he "will have to leave Dallas" by describing it as a "funny reaction." It is impossible to be certain why Posner edits Ruby's testimony in this manner, but it is indicative of his tendency to play fast and loose with quotations, almost as if he were composing a historical novel. **(L)**

(209) WC Vol. 15, pp. 534-46, Vol. 25, p. 189.
(210) *Case Closed*, pp. 366, 371, 372, 373, 599.
(211) WC Vol. 5, 185.

70) Page 373. Posner admits that the Warren Commission was mistaken in taking Jack Ruby's word over reporter Seth Kantor's about Ruby visiting Parkland Hospital in Dallas just after the assassination. Posner then incorrectly states that "no one saw him except Kantor" and claims another witness, Wilma Tice, is unsure about also seeing Ruby at Parkland. (212) She was much more certain about this than Posner suggests. (213) The Warren Commission attorney that cast doubt on her story, Burt Griffin, (214) later wrote to Kantor (after reading Kantor's book) (215) and told him in the letter that he now believed him about Ruby being there. The House Select Committee on Assassinations also felt Ruby was there. Why does Posner feel the need to discredit the corroborating witness while accepting the primary one? Posner may also be unaware of another reporter named Roy Stamp who also knew Ruby and saw him at Parkland that day. (216) **(N)**

(212) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique,"

The Investigator, August-September, 1993.
(213) WC Vol. 15, pp. 285-7, pp. 388-96, 374.
(214) WC Vol. 15, p. 391.
(215) Seth Kantor, *Who was Jack Ruby?*, NY, Everest House, 1978.
(216) Video of Roy Stamp speaking to Jim Marrs class on the JFK assassination.

71) Page 407. Posner is often a bit too quick to accept questionable information from whatever source when he needs to prove something. He cites Edward Jay Epstein as a source for saying that the Warren Commission staff attorneys were never turned down when they asked to see witnesses (out of over 400 requests). (217) This sweeping statement misrepresents the occasional problems that the Warren Commission attorneys faced when trying to get access to information. Epstein cites as his sources for this statement, interviews with Warren Commission lawyers Rankin, Willens, Liebeler and Redlich. (218) In fact Warren Commission attorney Burt Griffin has said that the staff was isolated from contact with the Commissioners. Even Posner gives us a quote from Griffin about this. He says Griffin told him that J. Lee Rankin (who was the liaison between the attorneys and the actual members of the Commission) "operated with his door always closed" to the other staff attorneys. (219) Perhaps the most disturbing example of access to a witness being denied to the attorneys is found in the jail house interview of Jack Ruby. (220) The lawyers in charge of looking into the Jack Ruby area (Leon Hubert and Burt Griffin) were excluded from the interview. (221) Griffin is bitter about this and also about the lack of cooperation from federal agencies such as the CIA and FBI **(L)**

(217) Edward Jay Epstein, *Inquest: The Warren Commission and the Establishment of Truth*, NY, Viking, 1966, pp. 71-2.
(218) Edward Jay Epstein, *Inquest: The Warren Commission and the Establishment ofTruth*, NY, Viking, 1966, p. 212, note 22.
(219) *Case Closed*, p. 409.
(220) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique, *The Investigator*, August-September, 1993.
(221) John Davis, *The Kennedy Contract: The Mafia Plot to Assassinate the President*, NY, Harper, 1993. pp. 144-6.

72) Page 410. Here we have yet another typographical error in this book that is so highly praised for Posner's "outstanding job of research." (222) It is the kind of error so rarely found in scholarly works released by major publishers. When referring to one of the doctors who performed the autopsy on JFK the evening of the assassination, Posner calls him Dr. "Hume" instead of Dr. Humes. **(N)**

(222) *Case Closed*, Steven Ambrose on back cover.

73) Page 410. Posner concedes that the "magic" or "single-bullet theory" was not proven by the Warren Commission. Even Posner characterizes their conclusions as "an attempt to create a scenario to fit the facts as the Commission determined them." Posner claims that technological advancements "now confirm that the theory is correct." (223) For this proof he cites Neutron Activation Analysis studies and photographic and computer techniques. Posner claims Vincent Guinn used Neutron Activation Analysis to prove the fragments of bullet found in Connally's wrist came from the magic bullet. (224) Posner does not tell you that Guinn was clear in saying that his NAA studies did not prove the single-bullet theory. (225) Strike one for Posner's technological advancements. It is uncertain what Posner is talking about in the area of photographic advancements, but perhaps he is referring to his mysterious and unexplained "enhancements" of the Zapruder film that supposedly helped Posner discover that a little girl turned in response to a shot around frame Z162. (226) He never describes what kind of "enhancements" these are, but seems to indicate they are new and were done for him. Strike two on Posner's technological advancements. When Posner talks about computer techniques, he must be referring to the Failure Analysis Associates' 3D animation work. He also gives the readers the impression that this work was done for him.

(227) As you may recall these 3D studies were done from a prosecutorial standpoint and relied on data that is derived from assumptions relating to the single-bullet theory. (228) Strike three and Posner is out on his new technological advancements allowing Posner to "confirm" the single-bullet theory. (L)

(223) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.
(224) *Case Closed*, pp. 341-2.
(225) HSCA Vol. 1, p. 500.
(226) See item 58, and p. 321 of *Case Closed*.
(227) See item 61, and p. 335 of *Case Closed*.
(228) Harold Weisberg, *Case Open: The Omissions, Distortions and Falsification of Case Closed*, NY, Carroll and Graf, 1994, p. 85.

74) Page 414. Some of Posner's errors are just sloppy work on his part. Posner says, "Harold Weisberg published the first in-depth attack on the Warren Report" in 1966. (229) Whitewash was published in 1965, as Posner should know from his own bibliography (230) and from the endnote following his mention of the incorrect year. (231) He also quotes from Professor Robert Blakey as saying Weisberg's logic makes "complex issues confusing." (232) Weisberg, unlike Posner, does not generate confusion deliberately. (L)

(229) Harold Weisberg, *Whitewash: The Report on the Warren Report*, Frederick, MD, self-published, 1965.
(230) *Case Closed*, p. 583.
(231) *Case Closed*, note 25, p. 571.
(232) Robert Blakey and Richard Billings, *The Plot to Kill the President*, NY, Times Books, 1981, p.41.

75) Page 415. Posner claims that "A rash of books appeared on the heels of Lane's success." Posner was referring to other "buffs" who wanted to capitalize on the assassination because they saw how Lane's 1966 book on the JFK assassination, Rush to Judgment, was such a hit. (233) Posner blunders and lists one author, Leo Sauvage as falling into this imaginary category without knowing that a European edition of Sauvage's book was released the year before Lane's. (234) Posner ignores the book by Pulitzer Prize winning author Sylvan Fox that preceded Lane's book. (235) Posner was nominated for this award himself for Case Closed (those who select candidates for this award should see this list of Posner's errors so they don't make that mistake in the future). In Mark Lane's second book on the assassination of JFK, he gives the release date for Rush to Judgment as being August 15, 1966. (236) Another of the books that Posner lists as appearing after Lane's book actually came out in May 1966.(237) Posner lists two other authors in this "rash of books," but he probably doesn't know they were both working on their books before Lane's was released. (238) (L)

(233) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.
(234) Leo Sauvage, *The Oswald Affair*, Paris, France, Les Editions de Minuit, 1965.
(235) Sylvan Fox, *The Unanswered Questions about President Kennedy'sAssassination*, NY, Award Books, 1965.
(236) Mark Lane, Citizen's Dissent: Mark Lane Replies, NY, Holt, Rinehart and Winston, 1968, p. 47.
(237) Penn Jones, *Forgive My Grief*, Midlothian, TX, self-published, 1966.
(238) Richard Popkin, *The Second Oswald*, NY, Avon Books, 1966.
Ray Marcus, *The Bastard Bullet: The Search for Legitimacy for CommissionExhibit 399*, Los Angeles, CA, self-published, 1966.

76) Page 416. Posner occasionally over-simplifies in order to misrepresent, choosing to avoid contradictory information rather than meeting it head-on. An example of this is found

in his casual dismissal of an FBI report that stated that the back wound in JFK "only penetrated a short distance and did not exit." He says the House Select Committee on Assassinations "confirmed that the FBI report was simply mistaken" about this key issue (which disproves the single-bullet theory). The FBI actually said in the report that the hole in the President's back was located "six inches below the top of his collar" and that it "entered his back" and "penetrated to a distance of less than a finger length." (239) On what did the FBI base this supposed mistake? The reports of the FBI's two agents who witnessed the autopsy (James Sibert and Francis O'Neill) were very clear in stating that the wound was probed by the autopsy doctors and that it had no exit. Corroboration for this conclusion comes from the testimony of the Secret Service agent who was in charge of Presidential security on the Dallas trip. Roy H. Kellerman confirms the FBI conclusion in his testimony to the Warren Commission on March 9, 1964. Kellerman stated that he asked one of the autopsy doctors, Colonel Pierre Finck about what he was finding as he was "probing inside the shoulder with his instrument." Finck stated to Kellerman that "There are no lanes for an outlet of this entry in this man's shoulder." (240) (L)

(239) FBI Supplemental Report, Appendix B, p. 2, reproduced in: Edward Jay Epstein, *Inquest: The Warren Commission and the Establishment of Truth*, NY, Viking, 1966.
(240) WC Vol. 2, p. 93.

77) Page 418n. Abraham Zapruder, according to Posner, sold the rights to the Zapruder film of the assassination to Life magazine "for a reported $250,000.00." The person who purchased the film for Life, Richard Stolley, has stated that the correct amount that was paid was $150,000.00. (241) He also fails to mention that it was sold back to the Zapruder family for one dollar and they have capitalized on it ever since. (242) (N)

(241) Richard Stolley, *Entertainment Weekly*, Jan. 17, 1992.
(242) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.

78) Page 419. Sylvia Meagher is one of Posner's favorite targets as one of the "conspiracy buffs" that he must prove to be greedy, crazy or incompetent in his effort to discredit them. It is a testimony to her accuracy that Posner fails in every attempt (because his attacks have no basis in reality). He criticizes her outstanding index to the Warren Commission volumes by calling it biased towards Oswald's innocence. He claims that he made one himself that has many more references to Oswald's potential for violence. (243) Considering Posner's own questionable journalistic integrity (exemplified by this list of errors), I have my doubts that his "new card index" even exists. If it does, I would hazard a guess that it is far more biased than Meagher's. As Harold Weisberg points out, it seems Posner is trying to minimize the colossal undertaking involved in indexing the 26 volumes by incorrectly stating that they contain "more than one million words." The actual, official estimate of the amount of words contained in the volumes is ten million. (244) It would seem unlikely that Posner would have had the time to read and index this mass of words in the time that he spent creating *Case Closed*. If he has done this, then there is no excuse for his apparent ignorance of their content. (L)

(243) *Case Closed*, p. 419n.
(244) Harold Weisberg, *Case Open: The Omissions, Distortions and Falsifications of Case Closed*, NY, Carroll and Graf, 1994, p. 32.

79) Page 422. One more example of Posner's inaccuracy is found in his statement as to when the Jim Garrison investigation into the murder of JFK began. He states that it "started in July 1966" but gives no reference for this date. The investigation became public in February of 1967. (245) Perhaps Posner means the time when Garrison first considered

re-opening the investigation of David Ferrie (that he initiated back in 1963). The FBI questioned and then released Ferrie in late 1963 and Garrison dropped his investigation at that time, thinking that this was the end of the matter. If you check Garrison's 1988 book (246) you will see that, as of "late 1966," Garrison still felt the conspiracy theories "were so much speculation." It wasn't until he spoke with United States Senator Russell Long "one day that autumn" that he again began to consider conspiratorial possibilities. According to Garrison, Senator Long told him, "Those fellows on the Warren Commission were dead wrong." **(N)**

(245) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.
(246) Jim Garrison, *On the Trail of the Assassins*, NY, Sheridan Square Press, 1988, p. 13.

80) Page 426. Posner echoes the old Garrison smear that Garrison had a "special relationship with Carlos Marcello," the powerful New Orleans mob kingpin. Are we to infer by this that Garrison was a mob associate or is Garrison actually some kind of a gangster himself? The failure of this line of thought becomes evident when you consider the first subject of Garrison's investigation was a man (David Ferrie) who was closely associated with Marcello. (247) Ferrie worked as an investigator for Marcello on his legal defense staff and may have acted, at times, as Marcello's personal pilot. You have to wonder about the self-defeating logic employed by Posner on this issue. **(L)**

(247) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.

81) Page 431. In his prosecution of Clay Shaw for the JFK assassination in the late 60s, Garrison made so many tactical errors and sometimes was fed inaccurate information. Posner is no slouch in this department either. In his machine gun-like barrage of anti-Garrison shots he makes similar and equally shocking mistakes. Posner claims that Garrison was about to swear out a warrant for a man named Robert Perrin but found out the night before (supposedly from Harold Weisberg) that Perrin had died in 1962. (248) This was common knowledge to anyone who had read the testimony of Perrin's wife, Nancy Perrin Rich. (249) The fact is that Posner failed to explain that Garrison was under the impression at the time that Perrin had faked his death and was still alive. But, for the sake of argument let's assume that at some Garrison came to believe that Perrin was actually dead. While Garrison may have been in error in thinking this man was alive and could be brought in as a witness against Clay Shaw for the murder of JFK, Posner does him one better. Posner states that Garrison considered that one Manuel Garcia Gonzales was "one of the assassins in Dealey Plaza." Posner then smugly states, "There was no such person." It turns out that there is a good chance that this person really does did exist. (250) A picture of Gonzales was published in the assassination literature in 1976. (251) **(L)**

(248) *Case Closed*, p. 448n.
(249) WC Vol. 14, p. 364.
(250)Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.
(251) Gary Shaw with Larry Harris, *Cover-up*, Clebourne, TX, self-published, 1976, p. 164.

82) Page 438. Several reporters covering the Garrison trial of Clay Shaw in the late 60s seemed to be more interested in actively discrediting Garrison than in sitting back and simply watching him succeed or fail on his own. Files released in recent years suggest that some of these journalists were collaborating with the US intelligence agencies in their efforts to "counter" Garrison's efforts. Posner relies on them heavily as sources for his

anti-Garrison information. Posner gives no source when he talks about "numerous stories in New Orleans about Garrison being homosexual." Posner refers to a "prominent New Orleans attorney" who "told" Posner that Jim Garrison "tried to sexually molest" the attorney's brother in 1968. (252) He also mentions a "February 1970 column" by Jack Anderson as further "corroboration." (253) It seems we are treated to more of Posner's self-defeating logic when he quotes James Phelan quoting Garrison saying that the assassination "was a homosexual thrill killing" on one hand (254) and then repeating an unsubstantiated rumor that Garrison molested a thirteen year old boy in 1968. (L)

(252) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK,* by Gerald Posner: A Preliminary Critique," *The Investigator,* August-September, 1993.
(253) Jack Anderson's Merry-Go-Round column. *The Washington Post,* Feb. 23, 1970. Reprinted in: James Kirkwood, *American Grotesque,* NY, Simon & Schuster, 1970, p. 652.
(254) James Phelan, *Scandals, Scamps, and Scoundrels,* NY, Random House, 1982, p. 150.

83) Page 446n. Posner says that Garrison claimed that a woman named Rose Cheramie, who died in 1965, predicted the assassination. Posner tells the readers that Cheramie "actually told the story after the assassination." This is supposedly another myth generated by Garrison, who was heavily influenced by "the buffs." (255) The reality of the situation is that Posner's source, Dr. Victor Weiss told the House Select Committee on Assassinations that a Dr. Bowers told Weiss that this woman did warn of the event before it occurred. (256) Posner states correctly (but deceptively) that Dr. Weiss himself did not hear her speak of this until after the assassination. (257) Unfortunately for Posner, police Lieutenant Francis Fruge corroborated Dr. Bowers' story and said that he was given this same warning by Cheramie two days before the assassination. (258) (L)

(255) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK,* by Gerald Posner: A Preliminary Critique," *The Investigator,* August-September, 1993.
(256) Gary Aguilar, "Letter to the Editor of the *Federal Bar News and Journal,*" *Federal Bar News and Journal,* 1994.
(257) HSCA Vol. 10, pp. 199-205.
(258) Anthony Summers, *Conspiracy,* NY, McGraw-Hill, 1980, pp. 576-7.

84) Page 450. Quoting from James Phelan's book, Posner claims Garrison knew that one of his witnesses, Charles Spiesel, was unstable and put him on the stand anyway, over his staff's objections. I can't say conclusively that Posner is wrong about this but the source is questionable. (259) He relies on Phelan (a veteran Garrison-basher), who claims that Clay Shaw and an anonymous "Garrison aide" are the originators of this information. (260) Without more convincing evidence of the truthfulness of this attack, it is best to consider this information unreliable. (L)

(259) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK,* by Gerald Posner: A Preliminary Critique, *The Investigator,* August-September, 1993.
(260) James Phelan, *Scandals, Scamps, and Scoundrels,* NY, Random House, 1982, p. 174.

85) Page 454. When Posner misspells someone's name he usually gets it wrong everywhere it appears in Case Closed. Santos Trafficante is spelled as Santo on pages 360, 454, 458, 459 and 605. Sometimes Posner shows remarkable consistency in his errors. (261) (N)

(261) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK,* by Gerald Posner: A Preliminary Critique," *The Investigator,* August-September, 1993.

86) Page 460. We have another *Case Closed* spelling error. Posner has special problems with Italian first names. We saw in the previous example how he turned Santos into Santo. Now we see he has a tough time with the name Carlo. It has been transformed to an English version and appears as Carl when he refers to Carlo Roppolo. (262) **(N)**

(262) Martin Shackelford, "Case Closed: Lee Harvey Oswald and the Assassination of JFK, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.

87) Page 460. Can we find a worse witness than one of Carlos Marcello's long-time personal friends? (263) It seems he's good enough for Gerald Posner. Posner uses him to disprove the story of the New Orleans mob chieftain, Carlos Marcello making a threat to kill JFK in the summer of 1962. It seems Posner is more likely to take the word of a mob associate, Carlo "Carl" Roppolo, than an undercover FBI informant by the name of Edward Becker. (264) The House Select Committee on Assassinations received testimony about Becker's credibility. An FBI agent testified to the Committee that Becker worked for him as an informant and described Becker as being "honest." (265) **(L)**

(263) John Davis, *Mafia Kingfish*, NY, Signet, 1989, p. 119.
(264) Martin Shackelford, "Case Closed: Lee Harvey Oswald and the Assassination of JFK, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.
(265) HSCA Vol. 9, p. 83.

88) Page 460. The third error on this page involves Posner's statement that Ed Becker was approaching Marcello to try to interest him in "distributing an oil additive he had invented." (266) Becker was trying to obtain financing for Carlo Roppolo. Roppolo was actually the one who had developed the oil additive. (267) It was during a meeting to make this pitch that Marcello allegedly went on a murderous verbal tirade against both John and Robert Kennedy. (268) **(L)**

(266) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.
(267) John Davis, *Mafia Kingfish*, NY, Signet, 1989, p. 119.
(268) Ed Reid, *The Grim Reapers*, NY, Bantam, 1969, 1970, pp. 161-2.

89) Page 468n. Posner talks about a film that he describes as having been "inspired by the assassination." According to Posner, in the movie *Winter Kills*, "the slain President's brother discovers the Mafia was responsible for the assassination." (269) In the film, and also in the book, the culprit (who confesses to the President's brother) was the President's father. (270) **(N)**

(269) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993. (270) Richard Condon, *WinterKills*, NY, The Dial Press, 1974.

90) Page 469. We have seen so many examples of Posner's inability to even get people's names right, let alone the circumstances relating to the mentioned persons. This time he goes beyond misspelling and gives this person an entirely new first name. University of Wisconsin Professor David Wrone becomes Richard Wrone. (271) **(N)**

(271) Martin Shackelford, "Case Closed: Lee Harvey Oswald and the Assassination of JFK, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.

91) Page 473. In Posner's deceptive adoption of 3D animation work done by the prosecution

for a limited mock trial of Lee Harvey Oswald, Posner states that "the source of the shots can be determined with precision." This is completely false because the animation was constructed with data based on key assumptions of the single bullet theory. Both Harold Weisberg and Martin Shackelford pointed out that this 3D animation is a case of "garbage in and garbage out." (272) **(L)**

(272) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.
Harold Weisberg, *Case Open: The Omissions, Distortions and Falsifications of Case Closed*, NY, Carroll and Graf, 1994, p. 85

92) Page 477. We have already discussed the omission, by Posner, of a neighboring building from his illustration based on the Failure Analysis Associates 3D animation study for the American Bar Association. Clarifying the earlier implication that this was done for him was one of the few changes included in the paperback version of *Case Closed* that came out the year following the hardcover version. (273) In Posner's graphic of the Texas School Book Depository we see a depiction of the alleged assassin's window that has it half open. (274) In fact, Posner's own graphic on a different page shows a somewhat more accurate depiction of the window being approximately one third open. (275) There were also many other windows that were open that day on that side of the building. This can be seen in a photo taken by Tom Dillard just after the shots were fired. (276) The Warren Commission determined that the window was about one quarter open, as seen in Commission Exhibits 1310-2. (277) **(L)**

(273) Martin Shackelford, "What a (small) Difference a Year Makes: The "Corrected" Paperback Version of *Case Closed*: A Follow-up by Martin Shackelford," *The Investigator*, August-September, 1994.
(274) *Case Closed*, pp. 477-8.
(275) *Case Closed*, p. 475.
(276) WC Vol. 19, p. 564.
(277) WC Vol. 22, pp. 484-5.

93) Page 478. In Posner's close-up illustration of his version of the single-bullet theory we see a graphic representation of Posner's claim that the bullet grazed one of JFK's vertebra in his neck and slightly splintered the bone. Here is another example of Posner using a source for one thing and totally ignoring the same source for another. (278) What Posner doesn't say, of course, is that the Ramsay Clark medical panel in 1968 (that Posner relies so heavily upon to prove a high head entrance wound) concluded from their extensive study of the X rays that there was "no evidence of fracture of the cervical and thoracic vertebrae." (279) **(L)**

(278) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.
(279) "Panel Review of Photographs, X ray Films, Documents and other Evidence Pertaining to the Fatal Wounding of President John F. Kennedy, November 22, 1963, in Dallas Texas," (Clark Panel Report), 1968.

94) Page 479. On Posner's John Connally section of his illustration of his version of the single-bullet theory we see a notation for an entry wound in Connally's back being 1 3/4 inches long. Testimony by Connally's attending thoracic surgeon, Dr. Robert Shaw, puts the size of the wound at "a centimeter and a half at its greatest diameter." (280) Perhaps Posner thinks Shaw is incompetent, since Shaw failed to notice the magic bullet jumping out of Connally's leg and making its own way underneath the mat of the stretcher (that was never proven to be Connally's stretcher by the Warren Commission). For those unable to convert

metric measurements into inches, one and one half centimeters is just slightly more than half of an inch and nowhere near the size shown in Posner's illustration. (281) (**L**)

(280) WC Vol. 4, p. 104.
(281) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.

95) Page 485. We have seen how Posner has great difficulty spelling names correctly in earlier provided examples. But can he count? In attempting to debunk Jim Marrs' list of one hundred or so convenient deaths, Posner makes a few errors in his evaluation of the deaths. (282) We see Posner's statement that "51 of Marrs' witnesses did not die until the 1970s, well over a decade after the assassination." Hasn't Posner overlooked the ones that died in the period of January 1, 1970 through November 22, 1973? (283) It is possible that this is a typographical error and what he really meant to say was "the decade," instead of "well over a decade." (**N**)

(282) Jim Marrs, *Crossfire*, NY, Carroll & Graf, 1989, 1990, pp. 555-66.
(283) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.

96) Page 486. Posner has more name trouble when he misspells the name of Life magazine reporter Paul Mandel as Paul Mandal. (284) Posner credits "Mandal" with writing "a single article on the assassination." Mandel is actually notorious for a rather incredible error in his description of the shot hitting JFK in the front of the throat. Mandel describes this frontal neck shot as supposedly coming from the Texas School Book Depository. This mistake is very similar to when Dan Rather described the Zapruder film JFK head snap as going foreword instead of backwards. Mandel describes JFK turning back to look at the Depository and receiving the bullet from our lone assassin as he was turned around. (285) The trouble with this scenario is that it is a complete fantasy, as can be seen from viewing the film. (286) Perhaps Mandel assumed that the Zapruder film would never be seen by the general public because, by that time, Life had purchased and hidden the film away from public view. (**N**)

(284) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.
(285) Paul Mandel, "End to Nagging Rumors: The Six Critical Seconds," *Life*, December, 6, 1963.
(286) Abraham Zapruder film, National Archives.

97) Page 488. As proof for his readers that Abraham Zapruder's death was not mysterious, Posner claims Zapruder "was not involved in the investigation." Zapruder's film was, arguably, one of the most important pieces of evidence in all of the investigations that followed the assassination. (287) He gave important testimony about the taking of the film to the Warren Commission and his film was the basis for many of their conclusions. (288) Zapruder is also frequently cited as a witness to shots from the Grassy Knoll. Zapruder, in his testimony to the Warren Commission, thought the shots came from behind him, but, because of echo, was not absolutely certain where they originated. (289) (**L**)

(287) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.
(288) WC Vol. 7, pp. 569-76.
(289) WC Vol. 7, p. 572.

98) Page 496. One of Posner's "debunked" mysterious deaths is that of Mary Sherman. As

author Jim DiEugenio points out, Mary Sherman was not killed in an accidental fire (as Posner would have you believe). Posner gets the cause of death wrong. She didn't die as a result of burns or smoke inhalation. If you consider the knife wounds in her arm, leg, stomach and one that pierced her heart, it makes little sense to label her death as an accident. (290) There is another mistake in his evaluation of the death of Mary Sherman that has no bearing on conspiracy. It is just another example of his carelessness. Posner says Sherman died in 1967. Dr. Mary Sherman (who was an associate of David Ferrie) died in 1964 on the day that the Warren Commission began taking testimony in New Orleans. (291) Her death is still considered an unsolved murder by New Orleans Police. (292) **(L)**

(290) New Orleans Parish Coroner's Office, Autopsy Report on Mary Sherman, July 21, 1964. Edward T. Haslam, *Mary, Ferrie and the Monkey Virus*, Albuquerque, NM, 1995, pp. 248-50.
(291) Jim DiEugenio, "Posner in New Orleans: Gerry in Wonderland," *Dateline Dallas*, November 22, 1993.
(292) Kermit Tarleton, "Clues Lacking in Killing of Dr. Mary Sherman," *New Orleans States Item*, July 21, 1964.

99) Page 498. Posner just can't see why Warren Commissioner and United States Congressman Hale Boggs should be considered a mysterious death. His plane was never found so we can't be sure what caused the crash that killed him. His open attacks in the halls of Congress comparing J. Edgar Hoover's tactics to that of "Hitler's Gestapo" on April 5, 1971 might be worth considering. (293) His statements of doubts as to the lone assassin conclusion of the Warren Commission (that depended mostly on Hoover's FBI for investigative material) also should weigh in with any consideration of the possibility of foul play in his death. (294) Posner does whatever he can to cast doubt on any mysterious deaths because that would indicate a conspiracy (which prevents a "closing" of the case). **(L)**

(293) *Washington Post*, April 6, 1971.
(294) Martin Shackelford, "*Case Closed: Lee Harvey Oswald and the Assassination of JFK*, by Gerald Posner: A Preliminary Critique," *The Investigator*, August-September, 1993.

100) Page 593. We have seen many examples of Posner's tendency to have trouble keeping names straight. We saw how he confused a convicted murderer with a professional baseball player. (295) Here is another example that is almost as humorous. Posner, in his index, actually combines two people into one. He lists page numbers for Richard Russell under one listing when they refer to both Senator Richard B. Russell and author Dick Russell. This is our careful Pulitzer Prize nominee whose book was described by historian Steven Ambrose as "a model of historical research" and as an "outstanding job of research." (296) **(N)**

(295) *Case Closed*, p. 273.
(296) *Case Closed*, Steven Ambrose on back cover.

And now it is time to do our promised analysis of the nature of the errors described in the above text. By my count, the errors that in some way favor the lone assassin theory come to a total of 78. There are 22 errors in the list that fall on neither side of the fence. It seems that I have not been able to find a single blunder on Posner's part that might indicate conspiratorial conclusions. So our score, if we eliminate the inconsequential errors, comes to 78 to 0. We don't have to do any mathematical computations to conclude that when Posner makes a mistake it always falls on the side of a lone assassin scenario. Is this an indication of a fair, unbiased and honest study of the assassination of John F. Kennedy? It seems that 100% of Posner's errors support his anti-conspiratorial intent. This can only be interpreted to mean that the "mistakes" are not random. Randomness would, by definition, suggest that the errors should most likely be more evenly divided between conspiracy and the lone assassin implications.

Posner has many supporters who feel that he has disposed of the "conspiracy buffs" and their theories with this conclusive and overwhelmingly convincing book. I even met one person who had read *Case Closed*, after having read other conspiracy-related books, and was convinced that they were all wrong and that now, Posner has really solved the case. He has many supporters on the Internet who doggedly defend Posner and act as if Posner is a knight-in-shining-armor who has galloped in to gallantly slay the conspiracy dragons with his sword of truth. At times they almost act as if they are worshippers at the altar of the Cult of Posner. These Internet Posnerites have been asking for proof of his alleged misrepresentations and distortions that the "buffs" claim are contained in his book.

I'm sorry to shatter the illusions of Posner's followers, but *Case Closed*, their bible of anti-conspiracy, lies in shreds viewed in the light of the documented falsehoods presented in this article. Posner's defenders need to realize that they have been had. There are plenty of nutty and/or incompetent conspiracy theorists out there. It just has to be understood that Posner is no better than they are. There may be a few items in the list that can be argued about, due to the conflicting and contradictory nature of the evidence, but most are incontrovertible when the sources are carefully checked. Some of them show nothing more than stupidity, ignorance and carelessness, but the majority appear to be deliberate and calculated misrepresentations. I believe that Gerald Posner knows the case is not closed.

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Harold - 10-27-98

Thought this would be of interest to you. Our JFK doc is being broadcast next month on French TV. - Marty

Program also being shown in Canada & Germany.